

California Regional Water Quality Control Board
North Coast Region

Resolution No. R1-2003-0~~130073~~==

**Delegating Certain Newly Arising Powers and Duties
To The Executive Officer**

Whereas, Section 13223(a) of the Porter-Cologne Water Quality Control Act provides that a Regional Water Board may delegate any of its powers and duties to its Executive Officer excepting only the following:

1. The promulgation of any regulations;
2. The issuance, modification, or revocation of any water quality control plan, water quality objectives, or waste discharge requirements;
3. The issuance, modification, or revocation of any cease and desist order;
4. The holding of any hearing on water quality control plans; and
5. The application to the Attorney General for judicial enforcement but excluding cases of specific delegation in a cease and desist order and excluding the cases described in subdivision (c) of Section 13002 and 13304 and 13340.

Whereas, on June 26, 2003, effective August 15, 2003, the California Regional Water Quality Control Board, North Coast Region, delegated all delegable powers and duties of the Board under Division 7 of the California Water Code, except those that would establish Board policy or modify existing Board policy, to its Executive Officer, Catherine Kuhlman.

Whereas, effective January 1, 2004, Public Resources Code section 4582.71 provides that:

“(a) A timber harvesting plan may not be approved if the appropriate regional water quality control board finds, based on substantial evidence, that the timber operations proposed in the plan will result in a discharge into a watercourse that has been classified as impaired due to sediment pursuant to subsection (d) of Section 303 of the Federal Water Pollution Control Act, that causes or contributes, to a violation of the regional water quality control plan.

(b) The exercise of a regional water quality control board's authority pursuant to subdivision (a) may be delegated to the executive officer of that regional water quality control board as long as the executive officer's determination is subject to review by that regional water quality control board upon request of the person that has submitted the timber harvesting plan or upon motion of that regional water quality control board.

(c) If the appropriate regional water quality control board makes a finding pursuant to subdivision (a), the executive officer of that regional water quality control board shall, before the close of the public comment period under Section 4582.7, notify the director in writing of the finding and advise the director that the plan may not be approved. If the issues that lead to a regional water quality control board's finding pursuant to subdivision (a) cannot be resolved during the director's determination period under Section 4582.7 or a longer period that is mutually agreeable to the director and the person that submitted the

timber harvesting plan, the director shall deny the timber harvesting plan and return the plan to the person that submitted it. The director shall advise the person that submitted the timber harvesting plan of the reasons why the plan is being returned.”

~~Therefore, be it resolved~~, that the California Regional Water Quality Control Board, North Coast Region, hereby appoints Catherine Kuhlman as its Executive Officer effective August 15, 2003.

~~Therefore, Bbe It Further R~~esolved, that effective ~~August 15~~January 1, 2003~~4~~, the North Coast Regional Water Board hereby delegates to Catherine Kuhlman, its Executive Officer, under the general direction and control of the Board, the authority to make the finding provided for in Public Resources Code section 4582.71. The Board reserves to itself the authority to review all such findings, upon request by the timber harvest plan submitter, as provided by Public Resources Code section 4582.71(b).
~~all of the powers and duties of the Board under Division 7 of the California Water Code except those specified in Section 13223(a) and except those that would establish Board policy or modify existing Board policy.~~

Be It Further Resolved, that the Executive Officer is hereby directed to certify and submit copies of this Resolution to such agencies and individuals as may have need therefore or as may request same.

Certification

I, ~~Susan A. Warner~~Catherine Kuhlman, Executive Officer,
do hereby certify that the foregoing is a full,
true, and correct copy of a Resolution adopted
-by the California Regional Water Quality
-Control Board, North Coast Region,
on ~~June 26, 2003~~ December 2, 2003~~4~~.

~~Susan A. Warner~~Catherine Kuhlman
Executive Officer